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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/762,251

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Atsushi Hamano

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EXAMINER

KOROBV, VITALI A

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/762,251

Applicant(s)

HAMANO, ATSUSHI

Examiner

Vitali Korobov

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 1-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This is a first Office Action on the merits of this application. Claims 1-7 are presented for examination.

#### ***Specification***

2. The disclosure is objected to because it is not in compliance with 35 U.S.C. 112, first paragraph. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with typographical errors and terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: p. 1, last line; page 2, first and last line; p.3, first line, etc. Appropriate correction is required.

#### ***Claim Objections***

3. Claims 1-7 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors (See claim 1, line 2; claim 4, line 2, 4 and 5; claim 5, lines 5-7; claim 7, lines 1, 2, etc. All dependent claims are objected to as having the same deficiencies as the claims they depend from.

Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 6 depends

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upon itself. For the purposes of the instant Office Action and in the interest of advancing the prosecution, the Examiner assumed that claim 6 depends from independent claim 5.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph.

Claim 1 contains such expressions as "sending sending packets", rendering the claim indefinite, since the meaning of this expression is unclear to the Examiner.

Further, claim 1 is replete with limitation such as "the sending object", "the receiving side", etc. There is insufficient antecedent basis for these limitations in the claim.

Claims 4, 5 and 7 are rejected as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention due to limitation lacking antecedent basis and multitude of typographical errors.

All dependent claims are rejected as having the same deficiencies as the claims they depend from.

For the purposes of the instant Office Action and in the interest of advancing the prosecution, the Examiner examined the claims after interpreting the meaning of the claims to the best of his ability.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by the U. S. Patent Application Publication No. 2002/0129159 by Luby et al., hereinafter Luby.

Regarding claim 1, Luby teaches a sending apparatus comprising: sending means for sequentially sending sending packet generated based on a predetermined communication protocol via a network ([0020] - unicast; [0133] - predetermined communication protocol); and identification information adding means for adding identification information to make only the receiving side identify said packet to each of said sending packet, only during the period requested by the above receiving side being the sending object of said sending packet ([0216] - construction of a client ID).

Regarding claim 2, Luby teaches the sending apparatus according to claim 1, wherein; said identification information generating means adds said identification information to said sending packet in a unencoded state in its forward direction ([0225] - security cookie).

Regarding claim 3, Luby teaches the sending apparatus according to claim 1, wherein; said identification information is composed of a predetermined pseudo-random number and sequence number information peculiar to the above pseudo-random number ([0216] - random number).

Claim 4 is rejected in view of the above rejection of claim 1. Claim 4 is essentially the same as claim 1, except that it sets forth the invention as a method rather than an apparatus, as does claim 1.

Regarding claim 5, Luby teaches a receiving apparatus comprising: receiving means for receiving sending packet based on a predetermined communication protocol sequentially transmitted from the sending side via a network ([0211] - predetermined protocol; [0217] - unicast is inherently sequential); detecting means for detecting changed contents packet being said sending packet in that the contents of the above packet are changed, in each of said sending packet received by said receiving means ([0225] - server receives and detects a packet changed by a security cookie); and request means for requesting said sending side to add identification information to make only said detecting means identify said packet to said sending packet according to the receiving state of the changed contents packet detected by said detecting means ([0223] - request modifier adding client identification information).

Regarding claim 6, Luby teaches the receiving apparatus according to claim [6] 5, wherein; said request means requests only said sending side that sent said sending packet relating to said changed contents packet to add said identification information to

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sending packet ([0225] - The server does not create state for the client until a start request with a valid cookie is received).

Claim 7 is rejected in view of the above rejection of claim 5. Claim 7 is essentially the same as claim 5, except that it sets forth the invention as a method rather than an apparatus, as does claim 5.

6. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov  
Examiner  
Art Unit 2155

05/25/2006  
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